# PLANNING AND ZONING COMMISSION STAFF REPORT



## October 6, 2016

### Planning Variance case no. PV16-19: Contreras Construction Co., Inc.

**CASE DESCRIPTION:** a request for approval of variances to the minimum 100-foot lot depth

generally required on properties zoned Residential District – 5000 (RD-5), to allow the creation of 4 new lots intended for single-family residential development, specifically proposed Lots 1R-1, 1R-2, 1R-3, and 1R-4 in Block A of Kubin Addition, which are proposed to be 82

feet, 80 feet, 87 feet, and 98 feet in depth, respectively

**LOCATION:** 1.248 acres of land located at the southeast corner of West 28<sup>th</sup> and

Kubin Streets, and currently addressed as 1025 West 28th Street

**ZONING:** Residential District – 5000 (RD-5)

**EXISTING LAND USE:** single family house

**PROPERTY OWNER:** Contreras Construction Co., Inc.

**AGENT:** J4 Engineering c/o Glen Jones, PE-CFM

STAFF CONTACT: Lindsay Hackett, Staff Planner

SUMMARY RECOMMENDATION: Staff recommends approving the requested variance.



### **2015 AERIAL:**



### **BACKGROUND:**

The applicants, Contreras Construction Co., Inc. desire to construct 9 single-family homes on the subject property. The subject property is zoned Residential District 5000 (RD-5) and currently occupied by one single-family home. The applicants are proposing to demolish the existing home and formally replat Lot 1R into 9 new lots for new single-family residential development.

Bryan Land and Site Development Ordinance Section 62-161 requires that the minimum lot depth for properties intended to be developed with a single-family home in the RD-5 District be at least 100 feet. Five of the proposed lots meet this requirement. However, 4 lots (proposed Lots 1R-1, 1R-2, 1R-3, and 1R-4) are proposed have lot depths of only 82 feet, 80 feet, 87 feet, and 98 feet, respectively. The applicants are requesting 18-foot, 20-foot, 13-foot, and 2-foot variances to the minimum 100-foot lot depth requirement to be able to subdivide the property in the configuration shown on the attached drawing.

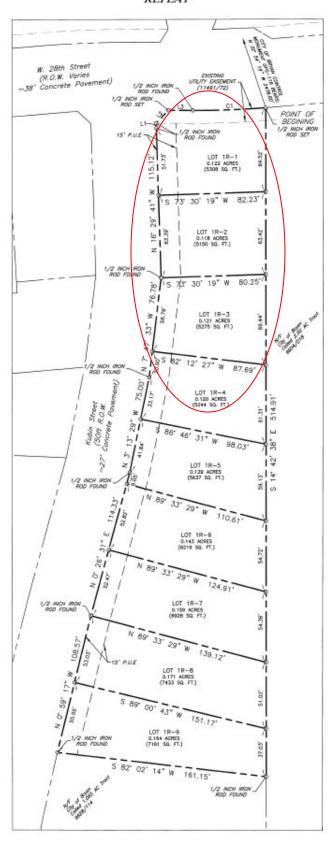
The applicants have submitted a replat (case no. RP16-33) which is also scheduled for consideration from the Commission's regular meeting on October 6, 2016.

# APPLICANT REQUEST:

Please describe the type of variance being requested:	
A variance is being requested for lot dimensions only (specifically lot depth) for lots 1R-1, 1R-2, 1R-3, and 1R-4 of the p	roposed
replat of Kubin Subdivision, Block A, Lot 1R.	
Are there special circumstances or conditions affecting the land involved such that the stric application of the ordinance would deprive you reasonable use of the land:	t
Yes, All proposed lots much take access from Kubin Street. This combine with the over all shape of the tract and a tract	of land
owned by the City of Bryan, used for regional drainage conveyance, bounds the rear of the proposed lots, limits the available	le
depth of the proposed lots.	
Is the variance necessary for the preservation and enjoyment of substantial property rights:	
With the limitations mentioned above, this variance is the only way to utilize the land as it is zoned for, single family resident	ial
homes.	
State how the granting of the variance would not be detrimental to the public health, safety, welfare or injurious to other property in the area:	, or
With the City of Bryan drainage tract bounding the rear of these lots, development cannot occur in this area which would	cause
structures to be too close together. While technically not apart of the lots, this tract will provide a buffer that will offset the re-	educed
depth of these four lots.	
State how this variance will not affect the orderly development of the subject property and/ land in the vicinity in accordance with City of Bryan Ordinances:	ог
This variance request is to allow the same conditions currently seen with the subdivision to be placed on the 4 proposed lot	ls.
Residential homes will be built on all lots and these variances will allow the same size and quality of homes to be built.	

## LAYOUT OF PROPOSED LOTS:

### REPLAT



### **ANALYSIS:**

The Planning and Zoning Commission may authorize a variance from minimum lot standards stipulated in the Land and Site Development Ordinance. No variance shall be granted unless the Planning and Zoning Commission finds that <u>all</u> of the following criteria are met:

1. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area (an area encompassing approximately a 200-foot radius);

Staff does not believe that the approval of this request will have no detrimental effect on public health, safety and welfare nor will it be injurious to area properties. In fact, the scale of this type of development is uncommon in this neighborhood, and would create a positive impact on the momentum of growth in this area. Despite the lot depth variance, the properties will still have the space to comply with other city ordinances such as proper setbacks.

The Land and Site Development Ordinance requires that properties zoned RD-5 District be at least 5,000-square feet in size and no less than 50 feet wide and 100 feet deep. Despite the lack of lot depth on 4 of the proposed new lots, all 9 proposed lots meet or exceed the minimum 5,000-square foot lot size requirement.

2. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties abutting the subject property;

Minimum lot depth requirements for single-family homes are intended to help ensure that all lots to be developed with a home are of sufficient size and shape to facilitate the development and to allow for adequate open space in front of and behind the homes. If the variance is allowed in this particular case, then the applicant has stated that the type of houses built on the less deep lots, will be the same size and quality as those built on the lots with allowable depths. The 9 residences proposed to be developed are located adjacent to 2 acres of storm drainage land owned by the City of Bryan. This land will allow for more open green spaces in the rear of the properties, creating a feeling of a larger back yard area for the foreseeable future.

3. That the hardships and difficulties imposed upon the owner/applicant are greater than the benefits to be derived by the general public through compliance with the requirements of this chapter.

If this request is denied, fewer new home sites could be created here. Again, staff believes that with the unique location of the property and the additional greenspace located to the east that this development will not feel overcrowded, but instead will allow for new development in an area that is currently gentrifying. Reducing minimum lot depth requirements, in this particular case, will not only allow for desirable residential development, but due to the proposed layouts, will still allow for the construction of modern single-family homes.

### **RECOMMENDATION:**

Based on all of these considerations, staff recommends **approving** the requested variance.